

Exhibit J

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

TAILORED LIGHTING, INC.,

Plaintiff,

-vs-

Civil Action No.
04-CV-6435 MAT

OSRAM SYLVANIA PRODUCTS, INC.,

Defendant.

Examination Before Trial held at the LAW OFFICES OF
HISCOCK & BARCLAY, LLP, 2000 HSBC Plaza, Rochester,
New York 14604 on October 24, 2006, commencing at
9:00 a.m.

DEPOSITION OF: Kevin Patrick McGuire

REPORTED BY:

SINEAD R. WILDER

1 MC GUIRE - CORNWELL

2 just put a daylight lamp into your system? Can you
3 tell me what happened next?

4 A. What happened next was I did a survey of the existing
5 market for lamps that purported to -- or just
6 promised a daylight-like condition or output. And I
7 requested literature samples.

8 Q. Okay.

9 A. And what I concluded was that there was not a
10 suitable daylight source on the marketplace that
11 produced a daylight spectrum.

12 Q. Do you have any of that literature that you had
13 requested samples of?

14 A. Do I have any of it?

15 Q. Yes. Do you currently have any of those -- of that
16 literature?

17 A. I don't know.

18 Q. What was the -- what lamps did you investigate to
19 determine whether they would be a sufficient daylight
20 source?

21 A. One that comes to mind right off the bat was the
22 Durotest, because that was probably one of the most
23 popular, quote, unquote, daylight sources at the
24 time.

25 And even today, your company, Osram Sylvania

1 MC GUIRE - CORNWELL

2 sells a product -- and I believe you have the
3 trademark name on it "Daylight." And this is a
4 misrepresentation of what you provide your customers.
5 So companies are still doing it.

6 Q. Who else did you investigate at the same time you
7 were investigating the Durotest lamp?

8 A. I think Osram Sylvania was one of them. And like I
9 said, you are still doing it today. Shame on you.

10 Q. Who else?

11 A. Shame.

12 I don't know.

13 Q. You said there were various different daylight
14 sources that you were investigating. You don't
15 recall any others other than Durotest and Osram
16 Sylvania?

17 A. Not at the time.

18 Q. GE?

19 A. Don't remember.

20 Q. Phillips?

21 A. Don't remember.

22 But I do remember Osram Sylvania, because you
23 still do it. You're still ripping off the consumer.
24 You're selling fluorescent lights, and you're calling
25 them daylight, and they're not. You're selling

1 MC GUIRE - CORNWELL

2 neodymium-coated bulbs, calling them daylight, and
3 they're not. And it's a rip-off.

4 Elliott Spitzer should get a copy of this
5 deposition.

6 MR. NASH: We'll wait for a question,
7 Kevin.

8 THE WITNESS: I need a break.

9 MR. CORNWELL: I guess I have no
10 choice.

11 Let the record reflect that the
12 witness walked out of the room.

13 MR. NASH: Well, we did tell him he
14 could have a break whenever he wanted.

15 MR. CORNWELL: No, I understand. I
16 would have given it to him.

17 (Whereupon there was a break in the proceeding at
18 2:22 p.m.)

19 * * *

20 (Whereupon the proceeding was reconvened at
21 2:39 p.m.)

22 MR. CORNWELL: We're back on the
23 record. We have switched rooms to
24 accommodate the witness. But I will say
25 everybody else is quite grateful to the